

17.

On Petition of James Dilworth.

The petitioner states that relying on a notification in the General Government Gazette, 1st August, 1847, that the title deeds to 82 acres 2 roods of land claimed by George Graham were in course of preparation, he purchased the land from Graham, but that only 58 acres 2 roods were subsequently granted.

He prays that Mount Hobson, which formed a portion of the 82 acres 2 roods, be conveyed to him as the representative of the said George Graham.

It appears that Graham purchased 82 acres 2 roods of land under Governor Fitzroy's waiver of pre-emption from certain aboriginal Natives, and that Commissioner Matson investigated Graham's claim in 1847, and recommended that 59 acres 1 rood be granted to him. This award was carried out, except the reserve of a spring of water for public purposes, and the grant made in November of the same year, without any protest being made by Graham, who appeared to have accepted it in satisfaction of all his claims, and no subsequent application has been made by Graham or his representative Dilworth, on account of this claim, as far as the Committee can ascertain, until the presentation of the petition this Session.

I am directed to report that the Committee cannot recommend the prayer of the petition to the favourable consideration of the House.

24th October, 1872.

18.

Award of Mr. Beckham on the Claim of John Kelly.

THE claim of John Kelly for compensation was referred by the Government to Mr. Beckham to inquire into it and report thereon. Mr. Beckham reported that Kelly suffered loss to the amount of £4,824 17s., comprising the following items:—

	£	s.	d.
148 acres taken by the verdict of the Supreme Court, which includes			
87 acres 16 perches, cleared and laid down in grass at an expense of £30 per acre	2,687	0	0
Cost of defending action	351	8	6
Clearing three miles road	120	0	0
Procuring witness in action, Supreme Court	10	0	0
Surveyors' charges, and witnesses	40	3	6
Mr. Whitaker's charges for conducting case before Commissioner	26	5	0
First ten years' rent of land leased to Brissenden	1,590	0	0
	£4,824	17	0
If the Government purpose compensating for the consequence of severance, Mr. Kelly would be entitled to a further sum of	1,834	1	6
Loss of Mr. Brissenden's outlay	4,000	0	0
	£5,834	1	6

Making a grand total of £10,658 18 6

It appears from the evidence before the Committee that, while the claimant appears by counsel before the Commissioner, and had numerous witnesses, no person appeared on behalf of the General or Provincial Governments, and that no notice was given to the Provincial Government that a Commission had been appointed to inquire into and report on Kelly's claim. This is the more singular as the Province of Auckland was deeply interested in the result of the inquiry, the Public Petitions Committee having reported that the compensation should be charged against the Land Fund of the Province.

Mr. Kelly gave evidence before the Commissioner, and makes a claim of £15,311 5s. 4d., the items of which are as follows:—

	£	s.	d.
Value of 148 acres of land	74	0	0
Interest on that sum from date of purchase	85	2	0
Damage to the estate resulting from severance	3,220	0	0
Cost of clearing and laying down in grass, 87 acres and 16 perches, at £30 per acre	2,613	0	0
Clearing thistles, ten years, at £10 per year	100	0	0
Clearing three miles road, which he lost by severance	120	0	0
Expense of procuring Natives necessary to give evidence in the Supreme Court	10	0	0
Sundry expenses for self and witnesses waiting on Superintendent and Executive by appointment	50	0	0
Defending action in Supreme Court	351	8	6
	£6,623	10	6
Interest on £6,623 10s. 6d. from date of verdict to March, 1872, 18 months, at 10 per cent.	993	10	10
Two years' rent under Brissenden's lease, from 14th February, 1870, to 14th February, 1872, at £159 per annum, with interest at 10 per cent.	353	15	6